

REMARKS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks. Claims 1-5 were pending prior to the Office Action. Claims 6-8 have been added by this Reply. Therefore, claims 1-8 are pending. Claims 1, 4, and 5 are independent.

35 U.S.C. § 102 Rejection Based on Fuchsberger

Claims 1, 4, and 5 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Fuchsberger et al. (USPN 4,825,297) ("Fuchsberger"). Applicants respectfully traverse.

For a Section 102 rejection to be valid, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection must fail.

In this instance, Fuchsberger fails to teach or suggest each and every claimed element. For example, independent claims 1, 4, and 5 recite, *inter alia*, "wherein the image correction device corrects the image without changing the gradation of the image."

This feature is clearly not taught or suggested in Fuchsberger. Indeed, Fuchsberger indicates exactly the opposite. For example, Fuchsberger discloses that the image processor 4 performs an image-dependent adjustment of the gradation. *Emphasis added; See Figure 1; column 4, lines 24-34.* Fuchsberger discloses as a problem that enhancement of high frequency details results in "straw-like"

impression of the overall image. See column 2, lines 15-20; column 5, lines 46-50. According to Fuchsberger, the contrast adjustment is needed to avoid both over-modulation and over-emphasis of the contrast. See column 2, lines 22-36. Fuchsberger achieves contrast adjustment through the contrast enhancement circuit 15. See Figure 2; column 5, line 15 – column 6, line 42. In short, Fuchsberger cannot teach or suggest an image correction device that corrects an image without changing the gradation of the image.

For at least this reason, independent claims 1, 4, and 5 are distinguishable over Fuchsberger. Applicants respectfully request that the rejection of claims 1, 4, and 5, based on Fuchsberger, be withdrawn.

35 U.S.C. § 103 Rejection Based on Fuchsberger and Stokes

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fuchsberger in view of Stokes et al. (<http://www.w3.org/Graphics/Color/sRGB.html>) (“Stokes”). Applicants respectfully traverse.

For a Section 103 rejection to be valid, a *prima facie* case of obviousness must be established. See *M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. See *M.P.E.P. 2142*; *M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection must fail.

In this instance, it has been shown above that Fuchsberger fails to teach or suggest “wherein the image correction device corrects the image without changing

the gradation of the image" as recited in independent claim 1. Stokes has not been relied upon to correct at least this deficiency of Fuchsberger.

In addition, Fuchsberger and Stokes may not be properly be combined since there is no suggestion or motivation to combine the two references as proposed in the Office Action, which is another requirement to *prima facie case* of obviousness. See M.P.E.P. 2143.01.

For example, it is noted that Fuchsberger first converts the original RGB based image information into YUV (luminance, first color difference, second color difference) space image. The actual transforming and/or manipulating of images are performed in the YUV space. Once the manipulation is completed, the resulting image may be converted back into RGB space. There is no suggestion or motivation in Fuchsberger that the image transformation may take place directly in RGB space.

Indeed, Fuchsberger teaches away from manipulating in the RGB space. It is noted that the low pass filter 18 and the differential amplifier 19, which are critical to Fuchsberger, are designed to transform YUV based signals. See Figure 4; column 5, lines 15-40. There is no suggestion the filter 18 and the amplifier 19 may be used to filter RGB signals. In contrast, Stokes discloses exactly what Fuchsberger teaches away from.

Because Fuchsberger and Stokes teach away from each other, the two references may not be properly combined, and thus the combination may not be relied upon to reject claims 2 and 3.

Therefore, for at least the reasons stated above, claims 2 and 3 are distinguishable over the combination of Fuchsberger and Stokes. Applicants

respectfully request that the rejection of claims 2 and 3, based on Fuchsberger and Stokes, be withdrawn.

New Claims

Claims 6-8 have been added through this reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination. It is noted that claims 6-8 depend from independent claims 1, 4, and 5. Therefore, these new claims are also distinguishable over the cited references for at least the reasons stated with respect to the independent claims.

Applicant respectfully requests that the claims 6-8 be allowed.

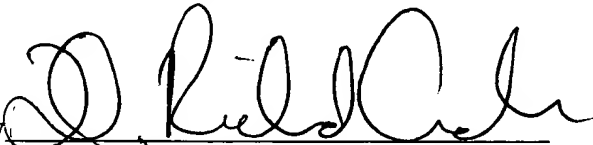
CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and such allowance is respectfully solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
D. Richard Anderson, #40,439

DRA/HNS/gf
1982-0135P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000